

REMARKS

The present Amendment is in response to the Office Action mailed November 13, 2007. Claims 3, 16, 24, and 33-41 are currently cancelled, and claims 1, 7, and 25 are amended. New claims 42-48 are added. Claims 1-2, 4-15, 17-23, and 24-32, and 42-48 remain pending in view of the above amendments.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Office Action rejected claim 25 under 35 U.S.C. § 112, second paragraph for on the grounds that the phrase "capable of" renders the claim indefinite. Although Applicant does not agree that the phrase "capable of" renders the claim indefinite, claim 25 has been amended to overcome this rejection. Applicant respectfully submits that the rejection of claims 25-32 under 35 U.S.C. § 112, second paragraph has been overcome by the deletion of the phrase "capable of".

Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 1-2, 4-14, 19-21, 25-30 and 32-41 under 35 U.S.C. § 103 as being unpatentable over U.S. Publication No. 2002/0118949 (*Jones*) in view of U.S. Publication No. 2004/0098379 (*Huang*). The Office Action rejected claims 15, 17-18, 22, and 31 under 35 U.S.C. § 103(a) as being unpatentable over *Jones* in view of *Huang* and further in view of U.S. Publication No. 2003/0110503 (*Perkes*).

Applicants traverse the Examiner's rejection for obviousness at least on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

Claim 1 has been amended to recite “establishing a folder in a memory of a digital apparatus and responsive to a selection of an operational mode of the digital apparatus” and “capturing a file with the digital apparatus”. The Office Action asserts that “selecting an operational mode of a digital device” and “capturing a file with the digital apparatus” are taught by *Jones* because the still image source 101 is expected to provide a digital representation. Applicant respectfully disagrees.

Jones teaches that it is “desired to collect content from a number of content sources” (see ¶ [0022]). More specifically, *Jones* discloses a source of still images 101, a source of digital video content 105, and an audio source 109. However, *Jones* discloses collecting content from these sources - suggesting that these sources have existing content. In fact, the stated purpose of the still image processor 103 is to “output image files to JPEG or TIFF standards from content in a variety of formats.” See ¶[0023]. The audio processor is similarly a “ripping” tool (to generate an MP3 output). See *Id.* Thus, the processors taught by *Jones* are not capturing a file with a digital apparatus, but are simply outputting to a particular standard from a variety of formats. *Jones* illustrates that the content is simply collected from the content sources in order to address the problem of aggregating and coordinating “audio, video, and still images into an easy to produce removable storage medium.” See ¶[0007]. For at least these reasons, collecting content from a number of content sources fails to teach or suggest “establishing a folder in a memory of a digital apparatus and responsive to a selection of an operational mode of the digital apparatus” as recited by claim 1.

The failure of *Jones* to teach these elements is further illustrated by the fact that the Office Action fails to consider either the reference or the claim as a whole. For example, the requirement of “responsive to a selection of an operational mode of the digital apparatus” occurs in the context of “establishing a folder” and of “capturing a file with the digital apparatus”. Collecting content from a number of content sources, as

taught by *Jones*, instead occurs in the context of archiving and sharing multimedia content.

When considering the claim as a whole, the folder is responsive to a selection of an operational mode. The captured file is later stored in the established folder. As a result, collecting content from a number of content sources fails to teach or suggest a folder that is established “in a memory of a digital apparatus and responsive to a selection of an operational mode of the digital apparatus”, particularly when considering the claim as a whole.

In fact, the Office Action next admits that *Jones* does not explicitly teach “establishing a folder responsive to selecting the operational mode . . . the folder having a file type determined according to the selected operational mode.” The Office Action attempts to remedy this deficiency by citing *Huang*. In particular, the Office Action suggests that Figure 5 of *Huang* shows that the camera has a folder for .JPG files and one for .MPG files.

The illustration of folders in Figure 5, however, fails to teach or suggest this element of claim 1. Claim 1 states “establishing a folder in a memory of the digital apparatus and **responsive** to a selection of an operational mode of the digital apparatus.” This element of “establishing a folder . . . responsive to a selection of an operational mode,” among others, is not taught or suggested by a recursive procedure to identify files on a storage medium as taught by *Huang*.

More specifically, *Huang* teaches that “when the user selects folders with the “recursive” check box on, the system finds all the media files in the folders and subfolders and generates a list of file paths to copy the files to.” See ¶[0026]. In addition, *Huang* discloses a system that is importing files from a device to a database. Thus, *Huang* teaches a system that recursively finds all the media files in the folders and subfolders in order to import the discovered files. This illustrates that *Huang* is not teaching or suggesting establishing a folder in a memory of the digital apparatus and responsive to a selection of an operational mode. Instead, *Huang* is only importing files that have been recursively found. There is no teaching or suggestion that the files found by a recursive search in *Huang* are in a folder that is (i) established in a memory

of the digital apparatus and (ii) responsive to a selection of an operational mode of the digital apparatus.

As a result, the ability to recursively find all the media files in the folders and subfolders fails to teach or suggest establishing a folder in a memory of the digital apparatus and responsive to a selection of an operational mode as recited by claim 1.

After capturing a file with the digital apparatus, claim 1 recites storing the captured file in the memory of the digital apparatus. The cited references, in contrast, fail to teach or suggest storing the captured file in the memory of the digital apparatus. *Jones*, for example, collects content from a number of content sources and then records them on a separate removable storage medium. See ¶[0022] and Figure 1A. Similarly, *Huang* often begins by importing files, often by downloading files from a flash memory card. See *Huang* ¶[0018].

Collecting content from a number of content sources or importing files by downloading files from a flash memory card fail to teach or suggest storing the captured file in the memory of the digital apparatus.

When considering *Jones* as a whole, it teaches a system that collects content from, for example, an image source and then archives that content on a different storage medium. Similarly, the teachings of *Huang* are directed to the media that has been imported from another device. These teachings do not encompass instances of file management on the digital apparatus itself.

For at least these reasons, Applicant respectfully submits that claim 1 is patentable over the cited art.

Claims 7 and 25 and new claims 43, and 46 include at least some features generally similar to claim 1. For at least the same reasons, Applicant respectfully submits that claims 7, 25, and 33 are patentable over the cited art. The pending dependent claims including the new dependent claims are allowable for at least the same reasons.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 13th day of February, 2008.

Respectfully submitted,

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